

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

702-0088

STIPULATED AGREEMENT No. 1004

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railroad Company, hereinafter referred to as the "Company", the Village of La Prairie, hereinafter referred to as the "Village", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as Main Street located in the Village of La Prairie, Adams County, Illinois, designated as crossing DOT 063 772J, milepost 232.53-Q; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvement upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that a certain improvement as hereinafter stated be made and that the cost for the proposed improvement be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 The improvement encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a) the Company should replace the existing antiquated automatic warning devices with new automatic flashing light signals (with LED signal units) and gates, controlled by constant warning time circuitry;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvement which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvement for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvement should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvement should be:

- a) The cost to remove the old warning devices and install new automatic flashing light signals and gates estimated at \$ 163,906, should be allocated 80% to the Grade Crossing Protection Fund (Fund), not to exceed \$131,125, with the Company bearing any remaining cost, as well as all future operation and maintenance cost thereof;

Section 6 Special Provisions: The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205,

Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order.

The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

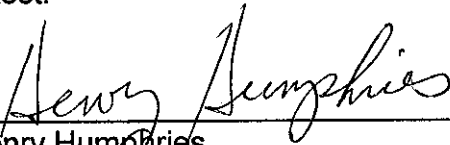
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 31st day of May, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



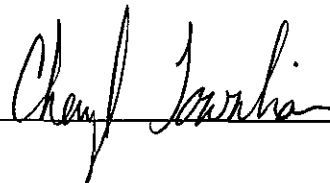
Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1004 concerning an improvement at the Main Street grade crossing of The Burlington Northern and Santa Fe Railroad Company track, in the Village of La Prairie, Adams County, Illinois, designated as crossing AAR/DOT # 063 772J, Milepost 232.53-Q.

Executed by the Company this 4TH day of June 2002.

THE BURLINGTON NORTHERN AND
SANTA FE RAILROAD COMPANY

By:

A handwritten signature in cursive script, appearing to read "Cheryl Jacobson", written over a horizontal line.

Attest:

A handwritten signature in cursive script, appearing to read "Freddie W. Sweeney", written over a horizontal line.

Illinois Commerce Commission Stipulated Agreement No. 1004 concerning an improvement at the Main Street grade crossing of The Burlington Northern and Santa Fe Railroad Company track, in the Village of La Prairie, Adams County, Illinois, designated as crossing AAR/DOT # 063 772J, Milepost 232.53-Q.

Executed by the Village this 13 day of June 2002.

VILLAGE OF LA PRAIRIE,
ADAMS COUNTY

By: Harry Robbins

RECEIVED
AUG 20 2002

Illinois Commerce Commission
RAIL SAFETY SECTION

Attest:

Ruth Ann Korman
Village Clerk

Illinois Commerce Commission Stipulated Agreement No. 1004 concerning an improvement at the Main Street grade crossing of The Burlington Northern and Santa Fe Railroad Company track, in the Village of La Prairie, Adams County, Illinois, designated as crossing AAR/DOT # 063 772J, Milepost 232.53-Q.

Executed by the Department this 28th day of June 2002.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By: James J. Easterday, Jr.
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 232.53-Q Inventory # 063 772J
City (I) La Prairie Street Main Street County Adams
Jurisdiction Local Urban X Rural Commercial Residential X
Street Surface Oil/Chip Width 20' Condition Fair
Angle 90° Tracks Tangent Yes Degree of Curve -- Superelevation -
Depth of Cut ----- Height of Fill <2'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Fair</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
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Intersecting Roads 116' E. Front 121' W. Front
Traffic Control Devices Present Stop signs at W. Front and Main
ADT 225 Speed 20mph (posted) Statewide Yes
Schoolbuses Poss. Hazardous Materials Poss. Other
Rail Traffic: Ft. 14 @ 60 mph Pass. 2 @ 79 mph Switch
Simultaneous Movements No Daylight and Dark Yes
Present Protection AFLS

Advance Warning Signs Yes Pavement Marking Yes

Visibility Study

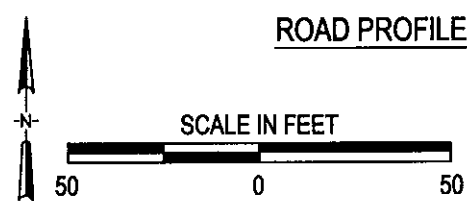
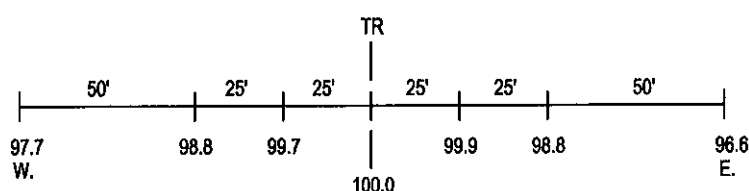
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

Approach Grades

East	Meets	'	92	%	Ill.	'	Adm.	%	Code	'	1535	%
West	"	'	"	%	"	'	"	%	"	'	"	%

Comments: _____

[illegible]



③ Photo Location

Crossing #: 063772J
 Location: Adams Co., City of La Prairie (I)
 Lat/Long: 40°08'52" / 91°00'06"
 Railroad: BNSF
 Street: Main Street
 Railroad Milepost: 232.53
 Crossing Protection: Train Activated Devices

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***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION :	LA PRAIRIE	LINE SEGMENT :	11	AFE NUMBER :	
PLANITEM NUMBER :	PSI063772J	MILEPOST :	0232.52	RFA NUMBER :	
PROPERTY OF :	BNSF RAILWAY COMPANY	DIVISION :	CH	CPAR NUMBER :	
OPERATED BY :	BNSF RAILWAY COMPANY	SUBDIVISION :	BROOKFIELD	BUDGET YEAR :	2002
JOINT FACILITY :	STATE OF ILLINOIS	TRACK TYPE :	1	BUDGET CLASS :	10
% BILLABLE (+/-) :	080.00	TAX STATE :	IL COUNTY: ADAMS	REPORTING OFFICE :	456
REQUESTER ID :	XXXX - SYSTEMWIDE DEFAULT	DATE :		SPONSOR :	VP ENGIN
PROJECT TYPE :	SGX	LOCATION CODE :	381043	DEPT CODE :	MOWGH
DOT NUMBER :	063772J			DERAILMENT CODE :	

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT MAIN STREET IN LA PRAIRIE, IL.
CHICAGO DIV., BROOKFIELD SUBDIV., L/S 0011, MP 232.52, DOT 063772J

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS. DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE IS GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR LABOR, MATERIAL, AND OVERHEAD.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 80%.
THE BNSF IS FUNDING THIS PROJECT APPROXIMATELY 20%.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	13,302	0	0	0	53,205	66,507
MATERIAL COSTS	13,969	0	0	0	55,876	69,845
OTHER COSTS	5,513	0	0	0	22,041	27,554
TOTALS	32,784	0	0	0	131,122	163,906

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI063772J - 1--2S
COSTING DATE : 04/23/2002

PRINTED ON : 04/23/2002
ESTIMATED BY : CONTRACTOR
PRINTED BY : CONTRACTOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	784.00	0.0 MH	18,708			
* LABOR SUBTOTAL							18,708	0	0	0
1120	319	400	9911	BATTERY	1.0	LS N	3,783			
1120	319	400	9911	BUNGALOW 6X6	1.0	EA N	5,421			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	6,966			
1120	319	400	9911	CABLE	1.0	LS N	1,388			
1120	319	400	9911	CHARGERS	1.0	LS N	904			
1120	319	400	9911	CONDUIT, PVC 4", SCH 80	10.0	FT N	39			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	6,095			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,512			
1120	319	400	9911	GATE MECH. MODEL 95	2.0	EA N	10,110			
1120	319	400	9911	HXP3R SYSTEM	1.0	EA N	13,080			
1120	319	400	9911	LED GATE KIT	2.0	EA N	661			
1120	319	400	9911	LED LIGHT ADJUSTMENT	8.0	EA N	2,080			
1120	319	400	9911	MISC MATERIAL	1.0	LS N	2,000			
1120	319	400	9911	SHUNT, WIDEBAND, DUAL	2.0	EA N	543			
1120	319	400	9911	SHUNTS, NBS, ADJ. CROSSING	1.0	LS N	1,400			
1120	319	400	9911	VIGILANT RECORDER	1.0	EA N	1,684			
* MATERIAL SUBTOTAL							59,666	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	7,000			
1120	367	400	9911	MACHINE RENTAL	1.0	EA N	2,912			
1120	790	400	9911	SURFACE ROCK	40.0	CY N	1,000			
* OTHER SUBTOTAL							10,912	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							10,371			
EQUIPMENT EXPENSES							3,348			
DA LABOR OVERHEADS							11,722			
INSURANCE EXPENSES							2,950			
USE TAX							3,813			
OFFLINE TRANSPORTATION							744			
* GANG TOTAL							122,234	0	0	0
8		400	9911	SIGNAL SHOP LABOR	64.00	0.0 MH	1,341			
* LABOR SUBTOTAL							1,341	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							743			
EQUIPMENT EXPENSES							240			
DA LABOR OVERHEADS							840			
INSURANCE EXPENSES							211			
* GANG TOTAL							3,375	0	0	0
8		411		ELECTRICAL LABOR F/POWER TRANS SYS	54.00	0.0 MH	1,174			
* LABOR SUBTOTAL							1,174	0	0	0
1120	319	410		MATERIAL FOR ELECTRICAL	1.0	EA	1,500			
* MATERIAL SUBTOTAL							1,500	0	0	0
1120	790	400	9911	AC POWER SERVICE	1.0	EA	1,000			
* OTHER SUBTOTAL							1,000	0	0	0
* ADDITIVES										
PAYROLL ASSOCIATED COSTS							650			
EQUIPMENT EXPENSES							210			
DA LABOR OVERHEADS							735			
INSURANCE EXPENSES							185			
MATERIAL HANDLING							37			
USE TAX							96			
OFFLINE TRANSPORTATION							18			
* GANG TOTAL							5,605	0	0	0

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		241		PLACE FIELD WELDS	160.00	14.4 MH	3,525			
* LABOR SUBTOTAL							3,525	0	0	0
* ADDITIVES							1,954			
							EQUIPMENT EXPENSES	630		
							DA LABOR OVERHEADS	2,208		
							INSURANCE EXPENSES	555		
* GANG TOTAL							8,872	0	0	0
							HGWELDGANG-2M - WELDING GANG, 2 MAN			
8		241		PLACE OTM	80.00	7.2 MH	1,672			
* LABOR SUBTOTAL							1,672	0	0	0
1120	308	200		RAIL, 136 LB NEW WELDED, PREMIUM :	200.0	LF	2,396			
1120	308	200		WELDKIT, GENERIC FOR ALL RAIL WEIGHT	20.0	KT	1,175			
* MATERIAL SUBTOTAL							3,571	0	0	0
* ADDITIVES							926			
							EQUIPMENT EXPENSES	299		
							DA LABOR OVERHEADS	1,047		
							INSURANCE EXPENSES	263		
							MATERIAL HANDLING	88		
							ONLINE TRANSPORTATION	70		
							USE TAX	228		
							OFFLINE TRANSPORTATION	14		
* GANG TOTAL							8,178	0	0	0
							SECGANG-3M - SECTION GANG (3 MAN)			
PROJECT SUBTOTAL							148,264	0	0	0
CONTINGENCIES							14,826	0	0	0
BILL PREPARATION FEE							816	0	0	0
PROJECT GROSS COST							163,906	0	0	0
LESS COST PAID BY OTHERS							131,122	0	0	0
PROJECT NET COST							32,784	0	0	0

***** MAINTAIN PROPRIETARY CONFIDENTIALITY *****

THE B. N. S. F. RAILWAY COMPANY
PHFM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- LA PRAIRIE DETAILS OF ESTIMATE PLAN ITEM: PSI063772J VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

INSTALL CONSTANT WARNING AND FLASHERS WITH GATES AT MAIN STREET IN LA PRAIRIE, IL.
CHICAGO DIV., BROOKFIELD SUBDIV., L/S 0011, MP 232.52, DOT 063772J

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***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT APPROXIMATELY 80%.
THE BNSF IS FUNDING THIS PROJECT APPROXIMATELY 20%.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

ELECTRICAL LABOR F/POWER TRANS SYS	54.00	MH	1,174	
PLACE FIELD WELDS	174.40	MH	3,525	
PLACE OTM	87.20	MH	1,672	
SIGNAL FIELD LABOR	784.00	MH	18,708	
SIGNAL SHOP LABOR	64.00	MH	1,341	
PAYROLL ASSOCIATED COSTS			14,644	
EQUIPMENT EXPENSES			4,727	
DA LABOR OVERHEADS			16,552	
INSURANCE EXPENSES			4,164	
TOTAL LABOR COST			66,507	66,507

MATERIAL				

RAIL, 136 LB NEW WELDED, PREMIUM :	200.00	LF	2,396	
WELDKIT, GENERIC FOR ALL RAIL WEIGHTS	20.00	KT	1,175	
BATTERY	1.00	LS N	3,783	
BUNGALOW 6X6	1.00	EA N	5,421	
BUNGALOW MATERIAL	1.00	LS N	6,966	
CABLE	1.00	LS N	1,388	
CHARGERS	1.00	LS N	904	
CONDUIT, PVC 4", SCH 80	10.00	FT N	39	
FIELD MATERIAL	1.00	LS N	6,095	
GATE KEEPER	2.00	EA N	3,512	
GATE MECH. MODEL 95	2.00	EA N	10,110	
HXP3R SYSTEM	1.00	EA N	13,080	
LED GATE KIT	2.00	EA N	661	
LED LIGHT ADJUSTMENT	8.00	EA N	2,080	
MATERIAL FOR ELECTRICAL	1.00	EA	1,500	
MISC MATERIAL	1.00	LS N	2,000	
SHUNT, WIDEBAND, DUAL	2.00	EA N	543	
SHUNTS, NBS, ADJ. CROSSING	1.00	LS N	1,400	
VIGILANT RECORDER	1.00	EA N	1,684	
MATERIAL HANDLING			125	
ONLINE TRANSPORTATION			70	
USE TAX			4,137	
OFFLINE TRANSPORTATION			776	
TOTAL MATERIAL COST			69,845	69,845

OTHER				

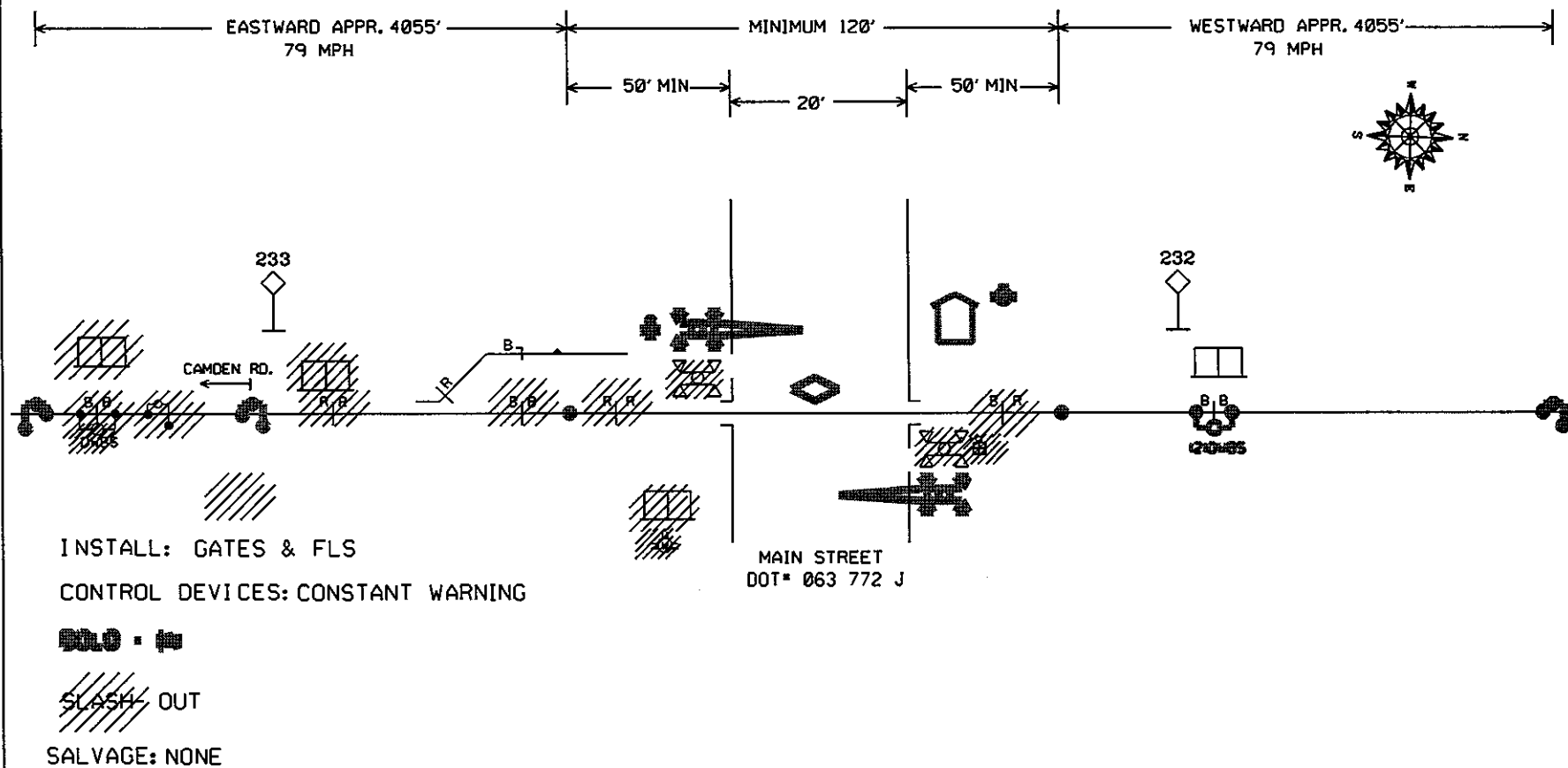
AC POWER SERVICE	1.00	EA	1,000	

CONTRACT ENGR.	1.00	EA N	7,000
MACHINE RENTAL	1.00	EA N	2,912
SURFACE ROCK	40.00	CY N	1,000
TOTAL OTHER ITEMS COST			----- 11,912 11,912 -----
PROJECT SUBTOTAL			148,264
CONTINGENCIES			14,826
BILL PREPARATION FEE			816
GROSS PROJECT COST			----- 163,906
LESS COST PAID BY BNSF			32,784
TOTAL BILLABLE COST			----- 131,122 =====

TO USTICK TOWER

The Burlington Northern & Santa Fe Railway Company

TO GALESBURG



- INSTRUMENT HOUSE
- ⊕ BELL
- ⊙ METER
- CROSSING CONTROL CONNECTIONS
- ▷ UNIDIRECTIONAL CROSSING CONTROL
- ◊ BIDIRECTIONAL CROSSING CONTROL
- ⌒ COUPLER OR TERMINATION
- (GUARD RAIL

Warning device placements:

Clearance to C.L. Track = Min. 12', Max. 20'
Edge of Road to C.L. Foundation:

Min. 4'1" with curb,
Min. 8'1" without curb,
Max. 12'

House Clearance: 25' Min. to C.L. of Track
30' Min. to Edge of Road

Front Lights: LED
Back and Side Lights: LED
Cantilever Jury Mast: LED

BNSF RAILWAY CO.

LA PRAIRIE, IL.

MAIN STREET

LS 0011 BROOKFIELD SUBDIVISION

M.P. 232.52 CHICAGO DIVISION

DOT# 063 772 J

KANSAS CITY

NO SCALE

DATE: 04/23/02

FILE: 0011232.52.DGN

MCR/SMO